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FOR THE ARGUS.

TO THE PEOPLE OF THE UNITED STATES.

Concerning neutral commerce, and further justification of the executive relating to late events.

IT is understood that some readers of the preceding essays will be well pleased to see some remarks concerning neutral commerce, or rather that species of concealed and clandestine traffic which has been lately carried on between the colonies of one of the belligerent nations, directly or indirectly, and the nation to which they belong. The elaborate discussions which have appeared in the public prints, have already unfolded this subject, as far as can be done by the influence of ancient authorities, modern usages, ingenious arguments and splendid eloquence. But little, therefore, remains to be said; indeed, nothing except to shew what are the opinions of the writer. It is likely that these opinions will be unpopular, even with those who have been well pleased with his sentiments upon other subjects—but let this be as it may, he has no hesitation to promulgate them, and as little to disclose his reasons.

This subject affords nothing to amuse the writer, and not much to entertain the reader; but it is a subject which deserves the deepest consideration, and concerning which every politician ought to store his mind with all the lights which can be afforded. Whether the writer of this will be able to add a feeble ray to the general mass of information, which has been published, will depend upon what follows.

That species of commerce which has been lately carried on, in American bottoms, and often by the aids of British seamen, directly to and from a port hostile to Great Britain, has certainly afforded important aids to the enemy of Britain. And although the trade may not embrace a single article, deemed contraband, yet it gave the contending nation, relief and succor, in some of the important concerns of government, or national prosperity. It does not therefore require the aids of rhetoric or logic, when a beneficial consequence has been procured by these means, to demonstrate, that such a trade ceases to be neutral, and may be essentially and substantially considered, contraband.

And when the produce of the colony is in the first instance brought to America, and entered in the regular forms of law, and is again re-shipped in the same, or other American bottoms, it does not by this finesse, lose any of the qualities of contraband trade, which would have attached to it, if the fiction or evasion had not been practised. Such commerce is not entitled to any of the privileges of neutrality, and deserves to be treated exactly as if the vessels and their cargoes had sailed, directly from one port, and were cleared for another belonging to the same power.

Altho' politicians have puzzled themselves, and disturbed the public with contradictory theories and opinions concerning this subject, because they have not found satisfactory rules in those books, which are supposed to contain the law of nations; yet it seems easy to have determined the question, without the aid or authority of Grotius, Puffendorf, Vattel, Martens, &c. It was only necessary to have opened the volume of common sense, to have applied directly to our feelings and perceptions to have found a satisfactory rule, by which this troublesome question might have been settled for ever.

A very simple proposition is now about to be stated, which will illustrate the rule, by which the opinion of the writer has been formed. Let us suppose that,

A and B are engaged in a quarrel—the former is likely to gain an advantage, which will insure him success. C, who is a bye-stander, and pretends to be a friend to both, all of a sudden interferes in such a way, as to give the victory to the latter. By such conduct C would forfeit all pretensions to the future confidence of A—he would not any longer be considered as an independent bye-stander, or as an honorable neutral—he would by the voluntary act of interference, become attached to the fortunes of the party which he had aided, and might reasonably expect, when occasion would allow it, an act of retaliation.

Such is the short case between France, England and America. The two former are at war—the third was not concerned in the quarrel—each nation had consented that America might enjoy an advantageous neutrality—and although this neutrality afforded very promising prospects for internal prosperity and external commerce, yet the enterprise and cupidity of our merchants have induced them to disturb the general tranquility, which might have existed, to endanger the peace of their country, and to forfeit that exalted reputation which a fair and even course would have insured.

The trade which has been the greatest source of difficulty is that which the A-

mericans, or others in the garb of Americans, have carried on to St. Domingo—France has candidly and justly complained, because the inhabitants of that island are declared by that government to be in rebellion. Great Britain complains, because the American bottoms, by the contrivances just mentioned, convey the produce of that island to the ports of France. If the independence of St. Domingo was acknowledged, neither of these nations would have any right to complain. But it is well known that France claims St. Domingo, & that the meritorious Ferrand, the governor general for France, has issued proclamations, inhibiting any trade or support from any nation whatever, to the revoltors.

Although the notorious situation of the island might have induced the British government to have relaxed, in the general construction which they give to such commerce, yet they have pursued a different policy—and the Americans cannot say that the privileges of neutrals entitle them to trade freely, while the trade is not tolerated by the British cabinet.

In the last essay, a good deal was said in relation to the policy of this trade—and now we find that it threatens to involve us in disputes upon contradictory principles, with two of the most powerful nations of the earth; and altho' the grounds of their complaints are dissimilar, they are so well defended, that the Americans can not pretend to insist upon a further prosecution, unless the belligerent nations should consent.

This important question has been frequently brought before the public—and has been the occasion of much solicitude and irritation. The minister of the French empire has made an open official complaint to the American government. This has been submitted to congress; and an act prohibiting further trade, has passed. Not so has been the conduct of Great Britain—That government was too proud and haughty to prefer a complaint. They have resorted to force—their ships of war have been their negotiators. They have captured American ships, while the owners were deluded in the opinion that they had given to the commodities, the quality of neutrality, by the fictions which have been already noticed.

By this means the British government have exercised many acts of oppression, and irritation against fair traders—and they have lost a glorious opportunity of acquiring the confidence and affections of the Americans, by acting with reasonable forbearance and candor, by an open and manly declaration, that they should consider such a trade as an indirect co-operation in the war against that nation. They have lost this opportunity, & will now, perhaps, under the influence of stronger measures, perform what might have appeared to be the effect of honor and generosity. Once more they have roused the slumbering discontents of the Americans—and our imaginations carry us back through all the scenes of the revolutionary contest. In the death of Pierce, we are reminded of the conflagrations of Charleston, (Mass.) New London, Norfolk, Manchester, Richmond, &c.—and there are some persons, who well remember, the liquid torrent of fire which rolled through a part of that city where this essay is published.

If the cabinet of London had thought proper to make this question a subject of negotiation, and had instructed their agents to have said that they should consider a continuation to justify the capture and condemnation of our vessels, the Americans might have then considered the merits, before they were clouded and obscured by the angry passions—but the cabinet of London have abandoned this favorable position, in gratification of an intolerable and indefensible pride. Thus it is, they have given new issues to old wounds, and these they have irritated by acts of public insult, and private injury. But it is now very likely that the battle of Austerlitz, and the treaty of Presburg, have taught them that it was more wise to conciliate than to continue in a course of aggression, but little short of open war.

The trade to St. Domingo presents to the mind the strongest contradictions.—France, to whom the island belongs, denies to the United States, a right of commerce with the inhabitants, because they are in rebellion, and have assumed and claimed the island for themselves. Great Britain, as an enemy to France, seizes and confiscates the produce of St. Domingo, when taken in American bottoms, because it is the produce of an enemy. America has not acknowledged the independence

In the year 1781, when Arnold came to Richmond with his band of depredators, he found in the possession of a mercantile house at this place, about 100 hogheads of rum. It was known that the members of that house were warm friends to the revolution. War was therefore declared against the rum. The hogheads were knocked to pieces, and fire was applied to the rum. It took its course down a valley to the river, and afforded to the plunderers the most savage delight.

of St. Domingo, and her merchants have carried on a trade which gives offence to each of the contending powers. France has stated her objections and complaints. The American government have passed an act which forbids the trade—and one set of politicians say that it proceeds from pusillanimity, because the minister of France had complained. At the same time another set are as much dissatisfied with the administration, because they have not attacked the British fleet with a few gun boats—because the rulers of that country say that they will not permit the existence of such a trade.

Hence, we see, that there are two descriptions of persons who wish to go to war, upon opposite principles, or rather caprices, without knowing what would be the general sense of the people. Though the writer of this does not pretend to know what would be the consequences, if the president, in obedience to the wishes of both, had brought the country into a war with France and Spain, and into another war with England, yet he believes that a little reflection will teach the people, that the president has acted with wisdom in both cases. Such wars and for such causes, would be nothing more or less than a declaration, enforced by arms, that St. Domingo was a free, sovereign and independent power, and deserved, not only the confidence and kindness of the Americans, but also, a voluntary co-operation in the perils, expenses and solicitudes of war.

There may be some Americans who are desirous to produce such a state of things—but there can be no doubt that the greater part of those who have scolded, censured and culminated the administration, have not seriously reflected upon the merits of the case or the consequences of their own wishes. These opinions are given without imputing particular blame to those who think otherwise. They are published with intentions that the subjects to which they relate, may be reconsidered by those who have suffered their feelings of indignation, or regard for national honor to hurry them into the paths of error. Yes, into an error, which will not fail to plunge their country into calamities, the end and consequences of which cannot be foreseen.

Indeed! And are these the purposes and issues for which the Americans, or any part of the American people, desire to go to war with the most powerful nations of the earth? With Great Britain, whose fleets triumph over the ocean, and with France, who in two or three months, could array a million of men? If the question & consequences be seriously considered, the advocates for a rupture or war, will find themselves on the brink of a precipice.

It will not be denied that the United States, if they think fit, may acknowledge the independence of St. Domingo, and may endeavor to support their conduct by the sword. But it is not pretended that this ought to be done—and yet in the face of all the world, things have been done, and are yet insisted upon, by some Americans, which could only be justified, if St. Domingo was a sovereign independent nation.

Thus do we behold, that things are advocated and defended, under the insidious and deceptive pretences of neutral and commercial rights, which amount to an indirect warfare, against the contending nations, are injurious to each, disgraceful to our country, and beneficial to none except those who have bartered away their birth-rights—the pride of national character, and the honest reputation of a just and politic neutrality; who at the same time when they have filled their private coffers, have sharpened the swords of assassination.

It is time to dismiss this subject. Happy, indeed, would it be for the United States, if it could be buried in oblivion, so that the new course, which we are now by law commanded to pursue, should not be alloyed by painful and disgraceful retrospections.

This cursory view will bring before the reader the importance and the difficulty of the executive duties; with so many contradictory opinions and interests, it were in vain to expect that general satisfaction would or could be given; it behooves us therefore first to ascertain what are the true interests of the country; and then to inquire how nearly the conduct of the administration approaches those interests—Independence, peace, domestic quiet, national prosperity, personal security, honest neutrality and the free enjoyment of the benefits of our industry enterprise, talents and fortune. These are the great public objects.

Have the present rulers impaired or violated any of these important objects? if they have not, but on the other hand have afforded to each all the countenance which an equivoquant regard and duty to the others would permit, then no censure is due. Before an imputation is tolerated, let every reader bring the sub-

ject of accusation to bear upon all the great objects of public and governmental care. Then perhaps it will be found that conflicting duties and interests, will afford the most conclusive answers.

Again and again, the writer of this, considers himself bound by his social duty to declare in the most unequivocal terms, that the conduct of the executive, in late events, appears to have been, not only undeserving reproach, but highly meritorious; and that it is fully entitled to the confidence and support of those, to whom these essays have been addressed, and for whose information and benefit they have been written, to those who think otherwise it is sufficient to say, THE PRESS IS FREE.

AN AMERICAN.

CONGRESS.

HOUSE OF REPRESENTATIVES.

MONDAY, April 7.

SPANISH AFFAIRS.

Debate on the motion of Mr. J. Randolph to publish the President's Message.

[CONTINUED.]

MR. KELLY. I did not expect to offer any arguments either in favor of or in opposition to the decision lately made, from which there has been an appeal; but as that appeal has been made, I rise not for the purpose of going into any wide argument or of accusing any set of men, but for the purpose of justifying myself and the vote which I shall now give as well as that which I have given. It has been said on this floor with open doors that the reason of giving money was to prevent the necessity of raising a standing army; & that it was better to strengthen the arm of the executive with money than by a standing force. From this it might be inferred that the reasoning on the part of the minority went to raising a standing army. As I voted with the minority on this occasion, I will briefly state some of the reasons which influenced my vote. It is not in order to say anything relative to the confidential message, but it is perfectly in order to speak of the message delivered at the opening of the session; and I believe it is perfectly fair to say, that there was no occurrence between the 3d of Dec. when the public message was delivered, and the 6th when the confidential message was received to change the circumstances in which we were previously placed. I shall vote in favor of the publication of this message as being the ground work of the proceedings we have adopted in secret. I wish it published that the public may judge whether those proceedings were consonant to this message or not. I should wish the public to see whether the part taken by the minority, or the measures of the majority are the most consonant with it. To enable the public accurately to judge, I think it essential that it should be published; as the executive branch of the government is presumed to be the best acquainted with our foreign relations. The message of the President at the opening of the session specially mentioned and designated Spain. It informed us that, "Inroads have been recently made into the territory of Orleans and the Mississippi, our citizens have been seized and their property plundered in the very parts of the former which had been actually delivered up by Spain, and this by the regular officers and soldiers of that government." The message also advised us that something was necessary to be done. It said that some of these aggressions might perhaps admit of a peaceable remedy, but that others could be met by force alone. That message, it will be allowed on all hands, called loudly for some efficient measures on the part of the government—for taking against Spain, if not a hostile, at least a defensive posture; and I will undertake to say that nothing which has occurred in secret tended to incutellate the propriety of a different course; nor could there be any thing for the one message so quickly followed the other, as not to allow time for any intervening circumstances. What followed? A report of a committee stating the aggressions of this power to be of a most atrocious nature; not recommending a war to check the rising growth and prosperity of the country, but recommending that a certain number of troops should be raised at the discretion of the President of the United States, to repel the insults that might be offered, and to chastise those who offered them. This measure appeared to be proper in itself, and it appeared likewise to be recommended by the tenor of the message. It appeared to be the more necessary, as we had information of the collecting of a considerable force in the provinces of Spain and at Pensacola. For these reasons it appeared to me desirable that such a force should be raised as the President might deem necessary. This was not creating a standing army.—The number of

troops to be raised was to be left entirely to his direction. The resolution proposed is as follows:

Resolved, That such number of troops not exceeding _____ as the President of the U. S. shall deem sufficient to protect the southern frontiers of the U. S. from Spanish inroad and insult, and to chastise the same, be immediately raised.

It has been alledged that the militia would have been competent to defend the frontier. But this could not prevail on me to abandon the measure, as I could not think it proper that the militia, even if competent, should be forced out into so unhealthy a service. The resolution embraced no other idea but that the standing force in that quarter should be strengthened. I considered this safe and proper, to make provision for cases which might arise. I could not believe that the militia would be competent to defend the country. They are too remotely situated, and the country too sickly; and the only just calculation was that they would have found their graves there. It was not contended that a large army was necessary; but that it would be requisite, in case the Spanish troops should be superior to ours, to raise a few recruits.

These are the reasons that induced me to vote for the resolution. I had others. We were informed of the necessity of having additional land batteries, of putting our ports and harbors in a state of defence, and of building an additional number of gun boats. If these measures were carried into effect, I thought, as militia would not be competent to these objects, it would be requisite to have an additional made to our troops. Under all these circumstances I was in favor of empowering the President to raise a small number of troops. But while I was in favor of this measure, I was as strongly opposed, as any man on this floor, to any thing like a large standing army. I will never consent to such a measure without an urgent necessity for it.

I was opposed to the measure adopted by the House on many grounds. It appeared by the report of the secretary of the treasury that there was not in the treasury more than a surplus million of dollars. I considered it improper, when we were threatened from every quarter to lay a magic hand on the two millions appropriated, to anticipate the receipts of revenue by a million of dollars, and thus drain the treasury when money might soon be wanted for the most urgent purposes.

I was opposed to it on other grounds. It did not appear for what purpose it was to be applied. It is true, I heard one gentleman say it was in correspondence with the secret wishes of the President, but I could pay no regard to that declaration. We had before us no communication, either public or private, which declared that it was either with Spain or France that the negotiation was to be carried on. Nor had we any reason for entertaining the idea that the two nations, whether they are gone or not, would make one farthing difference. I was necessary for me, voting on this occasion, to see the necessity and propriety of the measure. We had been told in the message of the President that the negotiation with Spain had come to an issue, and that that issue was not favorable. But we had received an intimation that Spain was disposed to adjust her differences with us respecting boundaries. We had on the contrary, different information. Neither had we any intimation that the contemplated negotiation would be agreeable to Spain, or to the President of the United States. Was it then proper for the House or myself to vote for appropriating two millions of dollars for the Lord knows what, when it neither appeared from any communication from the President, or from any other official source, to be desirable? If we had had such an intimation from the President, what security was there that the negotiation would have been made—and I am inclined to believe that I should have been opposed to its having been entered upon. What gave rise to the first purchase? The right of deposit stipulated by treaty to us had been refused. It is well known that a considerable number of vessels came down the Mississippi, which from their peculiar construction could not reach the ocean—and thence resulted the necessity of a place of deposit. The refusal of that right first gave rise to the idea of a purchase. We got possession of New Orleans and of the river, and found ourselves also possessed of a strip of land on the other side of it, after having thought we had purchased West Florida—and when I find instead of this, we have been swindled out of our money, I am unwilling to negotiate again, and give away the public treasure. Even after this shall have been done, it will be extremely easy for France or some other government to raise a difficulty, and claim an additional sum for its adjustment. Was it not be-